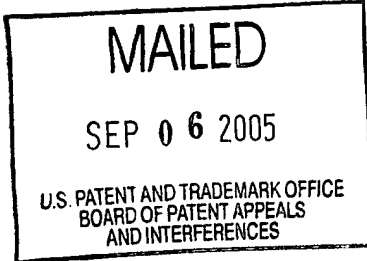


UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

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Ex parte ANTHONY E. MARTINEZ  
and  
MICHAEL D. RAHN

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Application 09/981,877

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ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

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This application was received electronically at the Board of Patent Appeals and Interferences on August 11, 2005. A review of the application has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith being electronically returned to the examiner. The matters requiring attention prior to docketing are identified below:

A review of the Image File Wrapper (IFW) indicates that appellants filed an Appeal Brief on October 29, 2004 and requested that the Appeal Brief fee be charged to Deposit Account No. 09-0447. The Patent and Trademark Office records reflect that this fee has not been charged.

Application 09/981,877

In addition, the Examiner's Answer mailed March 10, 2005 does not comply with the headings set forth in the new rules under 37 CFR § 41.37(c). Correction is required.

Accordingly, it is

ORDERED that the application is returned to the Examiner:

1) to charge the \$340 Appeal Brief fee to appellants' Deposit Account No. 09-0447;


2) to vacate the Examiner's Answer mailed March 10, 2005 and issue a revised Examiner's Answer in compliance with the new rules which became effective on September 13, 2004;

3) to have a complete copy of any subsequent Examiner's Answer scanned into the record; and

4) for such further action as may be appropriate.

BOARD OF PATENT APPEALS  
AND INTERFERENCES

By:

  
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